



SIDLEY AUSTIN LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 736 8000  
(202) 736 8711 FAX

tvanwazer@sidley.com  
(202) 736-8119

BEIJING	GENEVA	SAN FRANCISCO
BRUSSELS	HONG KONG	SHANGHAI
CHICAGO	LONDON	SINGAPORE
DALLAS	LOS ANGELES	TOKYO
FRANKFURT	NEW YORK	WASHINGTON, DC

FOUNDED 1866

June 29, 2006

**Via Electronic Filing (ECFS)**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002

Re: Facility ID No. 14050  
WTXX-DT, Waterbury, Connecticut  
Request for Waiver of Interference Protection Deadline  
and Renewal of DTV STA  
MB Docket No. 03-15

Dear Ms. Dortch:

WTXX, Inc. ("WTXX"), licensee of WTXX-TV-DT, NTSC Channel 20, DTV Channel 12, Waterbury, Connecticut, hereby requests a waiver of the July 1, 2006, interference protection deadline and a renewal of its recently-modified DTV STA. *See* FCC File No. BMDSTA-20060519AAT. As explained below, WTXX's modified DTV STA has satisfied the so-called use-it-or-lose-it requirement applicable to WTXX. Unfortunately, due to differences in the FCC's processing rules for minor DTV modifications and DTV STA requests, WTXX cannot amend its DTV construction permit to specify the parameters in its modified DTV STA, thus deviating from the expected procedures announced in the recent DTV Interference Protection Public Notice.<sup>1</sup> However, because WTXX's modified STA request satisfies the so-called use-it-or-lose it criteria, WTXX submits the Commission should grant the requested waiver of the interference protection deadline and extend its modified DTV STA.

WTXX is the WB affiliate in the Hartford-New Haven DMA. The FCC issued a tentative channel designation to WTXX for post-transition DTV operations on its current analog channel 20.<sup>2</sup> Under the FCC's so-called use-it-or-lose-it-policies, WTXX was required to build

<sup>1</sup> *See* Public Notice, "DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline," DA 06-1255, at 3, released June 11, 2006.

<sup>2</sup> *See* Public Notice, "Tentative Digital Channel Designations for Stations Participating in the First Round of DTV Channel Elections and Second Round Filing Deadline," DA 05-2649, released October 4, 2005.

Ms. Marlene H. Dortch  
June 29, 2006  
Page 2

facilities on its DTV channel that served “at least 80 percent of the number of viewers served by the 1997 facility on which the replication coverage was based.”<sup>3</sup>

The FCC recently granted WTXX’s request to modify its DTV STA. FCC File No. BMDSTA-20060519AAT. The Technical Statement filed with the modified DTV STA request noted that WTXX proposed to use a different antenna pattern, reduce the HAAT but increase the effective radiated power so that the modified DTV STA operation satisfied the so-called use-it-or-lose-it build-out requirement applicable to WTXX. See FCC File No. BMDSTA-20060519AAT, Attachment 1, du Treil, Lundin & Rackley, Inc., “*Technical Exhibit Application for Special Temporary Authority, Television Station WTXX-DT*,” at 1 & Appendix 2, (May 18, 2006).

Although it has satisfied the applicable use-it-or-lose-it requirement, WTXX must nonetheless file this request for a waiver of the interference protection deadline under the recent DTV Interference Protection Public Notice because it does not have a DTV construction permit for the modified STA facilities.<sup>4</sup> Indeed, under the Commission’s current DTV processing guidelines, WTXX cannot even file an application seeking to modify its DTV construction permit to specify the modified DTS STA parameters. Because this application would not qualify as a “checklist” application, an OET-69 interference analysis of the proposal must be completed. That analysis reveals an increase in predicted interference to WWLP-DT (Allotment and CP) when compared against WTXX’s current DTV construction permit because the WTXX-DT CP facility is higher in height and lower in power than the modified DTV STA facility. At the same time, WTXX’s request for a modified DTV STA could be granted because the FCC’s processing rule for DTV STAs requires only that the predicted noise-limited service contour of the STA facility does not exceed the same contour of the station’s construction permit.

For these reasons, WTXX submits that good cause has been shown and that the instant request for a waiver of the interference protection deadline and renewal of its recently-modified DTV STA should be granted. WTXX has satisfied the FCC’s so-called use-it-or-lose-it requirements and thus is providing the required level of service during the DTV transition. The fact that WTXX is providing this service pursuant to a modified DTV STA operation rather than an authorized construction permit should be irrelevant under the good cause standard applicable requests for waivers of the interference protection deadline. If and when the Commission’s processing guidelines allow it, WTXX will file an application to modify its DTV CP to specify its current DTV STA facilities.

---

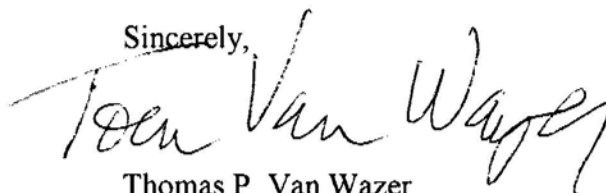
<sup>3</sup> See *Second Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd. 18279, 18296 ¶ 41 (2004) (“*Second DTV Periodic R&O*”).

<sup>4</sup> See *supra* note 1.

Ms. Marlene H. Dortch  
June 29, 2006  
Page 3

Please direct any questions regarding this request to the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Toen Van Wazer". The signature is written in black ink and is positioned above the printed name.

Thomas P. Van Wazer